

WARRICK COUNTY COMMISSIONERS ORDINANCE #2011- 18

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY RESCINDING ORDINANCE 2008-04
AND
AMENDING SECTION 37.21 OF THE CODE OF ORDINANCES
OF WARRICK COUNTY, INDIANA**

WHEREAS, the Warrick County Commissioners of Warrick County, Indiana passed Ordinance #2008-04 entitled "An Ordinance of the Board of Commissioners of Warrick County, Indiana, Imposing a Five Dollar (\$5.00) Fee on all Misdemeanor and Felony Cases"; and

WHEREAS, The Code of Ordinances of Warrick County, Indiana codified Ordinance 2008-04 as Section 37.21 of the Code; and

WHEREAS, the Warrick Superior Court No. 1 continues to operate and maintain the Warrick County Court Substance Abuse Program and the Warrick County Drunk Driving and Drug Court Program (herein collectively referred to as CSAPS); and

WHEREAS, the CSAPS continue to benefit Warrick County through the rehabilitation and education of criminal offenders rather than incarceration; and

WHEREAS, due to inflation and other economic factors, the current funding for the CSAPS is inadequate to sustain these programs; and

WHEREAS, increasing the local fee to be assessed and collected on all misdemeanor and felony cases as originally established under Ordinance 2008-04 and codified in Code of Ordinances Section 37.21 "Additional Fee for All Misdemeanor and Felony Cases" will provide much needed financial aid to the CSAPS.

**IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, AS FOLLOWS:**

SECTION 1. Warrick County Board of Commissioners Ordinance 2008-04 is hereby rescinded.

**SECTION 2. AMENDMENT TO SECTION 37.21 OF THE CODE OF ORDINANCES OF
WARRICK COUNTY**

Title 3 "Administration", Chapter 37 "Funds and Fees" and Section § 37.21 "Additional Fee for All Misdemeanor and Felony Cases" of the Code of Ordinances of Warrick County, Indiana is amended by re-titling and amending said section to read as follows:

"§ 37.21 Additional Felony and Misdemeanor Fees

- A. The Board of Commissioners of Warrick County, pursuant to the Indiana Home Rule Act and other authority, now establishes a local fee of Ten Dollars (\$10.00) which shall be added as a part of the costs in all felony and misdemeanor cases in which a defendant is found guilty of one or more offenses EXCEPT in those cases in which a defendant has been found guilty of one or more offenses under I.C. 35-48-4 (Controlled Substances), I.C. 16-42-19 (Legend Drug Act), I.C. 9-30-5 (OVWI), I.C. 9-30-6-8.7 (violation of Ignition Interlock), and I.C. 7.1-5 (Alcoholic Beverages).
- B. The Board of Commissioners of Warrick County, pursuant to the Indiana Home Rule Act and other authority, now establishes a local fee of Fifty Dollars (\$50.00) which shall be added as a part of the costs in all felony and misdemeanor cases in which a defendant is found guilty of one or more offenses under I.C. 35-48-4 (Controlled Substances), I.C. 16-42-19 (Legend Drug Act), I.C. 9-30-5 (OVWI), I.C. 9-30-6-8.7 (violation of Ignition Interlock), and I.C. 7.1-5 (Alcoholic Beverages).
- C. The Clerk of the Warrick Circuit and Superior Courts shall assess and collect the Ten Dollar (\$10.00) fee and the Fifty Dollar (\$50.00) fee, in addition to other local and statutory fees, and shall deposit the fee in the Drug and Alcohol User Fee Fund (which at present, is fund 379 in the Warrick County Auditor's Office)."

SECTION 3. This ordinance shall become effective thirty (30) days subsequent to passage and publication.

Dated this 25TH day of JULY, 2011, by the Board of Commissioners of Warrick County, Indiana.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, STATE OF INDIANA THIS 25TH DAY OF JULY, 2011.**

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA


Don Williams, President


Tim Mosbey, Vice President

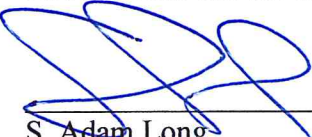

Marlin Weisheit, Commissioner

ATTEST:



L.B. Dugan
Warrick County Auditor

APPROVED AS TO LEGAL FORM:



S. Adam Long
LONG & MATHIES LAW FIRM
A Professional Corporation
County Attorney